

1 BILL NO. Z-83-01-03

2 ZONING MAP ORDINANCE NO. Z- Lash.

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. M-22.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
6 WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated an R-3 (Multiple Family) District under the terms of Chapter
9 33 of the Code of the City of Fort Wayne, Indiana of 1974:

10 Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 Block II
11 Irvington Park Addition to the City of Fort
12 Wayne, Indiana, and one-half of the vacated
13 alley adjoining said Lots, according to the
14 plat thereof recorded in the Office of the
15 Recorder of Allen County, Indiana

16 and the symbols of the City of Fort Wayne, Zoning Map No. M-22, as
17 established by Section 11 of Chapter 33 of the Code of the City of
18 Fort Wayne, Indiana are hereby changed accordingly.

19 SECTION 2. That this Ordinance shall be in full force and
20 effect from and after its passage and approval by the Mayor and the legal
21 publication thereof.

22 
23 COUNCILMEMBER

24 APPROVED AS TO FORM AND LEGALITY

25 

26 BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time, by title and referred to the Committee _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock _____.M.,E.S.T.

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Stier, seconded by GiaQuinta, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>9</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GiaQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHOMBURG</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCRUGGS</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 3-22-82.

Charles W. Westerman Jr.
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) (ORDINANCE) (RESOLUTION) NO. _____
on the _____ day of _____, 19_____.
Ordinance Resolution Appropriation

ATTEST:

(SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19_____, at the hour of _____ o'clock _____.M.,E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of _____, 19_____, at the hour of _____ o'clock _____.M.,E.S.T.

WIN MOSES, JR. - MAYOR

Read the first time in full and on motion by Steer, seconded by GiaQuinta, and duly adopted, read the second time by title and referred to the Committee Regulators (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock M., E.S.T.

DATE: 1-11-83

Charles W. Westerman

CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Steer, seconded by Talarico, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>0</u>	<u>8</u>	_____	<u>1</u>	_____
<u>BRADBURY</u>	_____	✓	_____	_____	_____
<u>BURNS</u>	_____	✓	_____	_____	_____
<u>EISBART</u>	_____	✓	_____	_____	_____
<u>GiaQUINTA</u>	_____	✓	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	✓	_____
<u>SCHOMBURG</u>	_____	✓	_____	_____	_____
<u>SCRUGGS</u>	_____	✓	_____	_____	_____
<u>STIER</u>	_____	✓	_____	_____	_____
<u>TALARICO</u>	_____	✓	_____	_____	_____

DATE: 2-8-83

Charles W. Westerman

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19_____.
ATTEST: (SEAL)

Charles W. Westerman

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19_____, at the hour of _____ o'clock M., E.S.T.

Charles W. Westerman

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of _____, 19_____, at the hour of _____ o'clock M., E.S.T.

WIN MOSES, JR. - MAYOR

Legal Description of property to be rezoned.

Lot #1: owner: Greg Schuster Deed Record Book Number: 78-33701

Lot #2 & #3: Owner: Consuelo Rodriguez Deed Record Book Number: 79-25528

Lot #4: Owners: Gerry & Pat Lydy Deed Record Book Number: 81-15516

Lot #5: Owners: Kevin & Annette Keefer Deed Record Book Number: 79-20473

Lot #6: Owner: Mildred H. Schoenlein Book: 556 Page: 71

Lot #7: Owner: Charles I. Keller Book: 551 Page 90
(Fred E. & Irene Gorden)

Lot #8: Owners: Willis L. & Edna Bolin Deed Record Book Number: 79-29543

Lot #9: Owner: Helen R. Finton Book: 72 Page: 17023

Owners of Property

Kevin Keefer

3217 Northrop, Ft. Wayne

Annette Keefer

3217 Northrop, Ft. Wayne

Mildred Schoenlein

3221 Northrop, Ft. Wayne

Charles I. Keller

6222 Summerwood Court, Ft. Wn.

Helen R. Finton
(Name)

220 Edgewood
(Address)

Kevin Keefer
Annette Keefer
Mildred H. Schoenlein Wants to sign but he is gone for several days
Helen R. Finton
(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

Karen E. West (d/b/a Lady Bug Exterminators), Consuelo Rodriguez, Charles Kelle
/We Gerry & Pat Lydy, Kevin & Annette Keefer, Mildred Schoelein, Helen R. Finton
(Applicant's Name or Names)

I hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne
Indiana, by reclassifying from a/an R-I District to a/an R-3
istrict the property described as follows:

Lots #1, #2, #3; #4, #5, #6; #7, #8; and #9, Block II, Irvington
Park Addition to the City of Fort Wayne, Indiana, and one-half
of the vacated alley adjoining said lots, according to the plat
thereof recorded in the office of the Recorder of Allen County,
Indiana.

(see reverse side)
Legal Description) If additional space is needed, use reverse side.

3203 Northrop, 3205 Northrop, 3215 Northrop, 3217 Northrop,

3221 Northrop, 3227 Northrop, 3229 Northrop, 220 Edgewood

General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one
percentum (51%) or more of the property described in this petition.
residing at - (5128 S. - 600 W., Swayzee, Ind.)

Consuelo Rodriguez

3205 Northrop, Ft. Wayne

Consuelo Rodriguez

Gerry Lydy

501 Penn Ave., Ft. Wayne

Gerry Lydy

Pat Lydy

501 Penn Ave., Ft. Wayne

Pat Lydy

(Name)

(Address)

(Signature)

If additional space is needed, use reverse side.)

Legal Description checked by Karen E. West

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the
ordinance be taken under advisement shall be filed in writing and be submitted
to the City Plan Commission prior to the legal notice pertaining to the ordinance
being sent to the newspaper for legal publication. If the request for deferral
continuance or request that ordinances be taken under advisement is received
prior to the publication of the legal ad being published the head of the Plan
Commission staff shall not put the matter on the agenda for the meeting at which
it was to be considered. The Plan Commission staff will not accept request
from petitioners for deferrals, continuances, withdrawals, or requests that an
ordinance be taken under advisement, after the legal notice of said ordinance
is forwarded to the newspaper for legal publication but shall schedule the matter
for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

KAREN E. WEST d/b/a Lady Bug
(Name) Exterminators

1204 Tulip Tree Road, Ft. Wayne
(Address & Zip Code)

483-0737

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing
approximately ten (10) days prior to the meeting.

BILL NO. Z-83-01-03

Hold
3-15
3-22

Committee of the whole

REPORT OF THE COMMITTEE ON REGULATIONS

Committee of the whole

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. M-22

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO NOT PASS PASS.

JAMES S. STIER, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

MARK E. GIAQUINTA

ROY J. SCHOMBURG

3-22-83

CONCURRED IN

DATE CHARLES W. WESTERMAN, CITY CLERK

Janet G. Bradbury
Victoria Scruggs
Mark E. Giacinta
Roy J. Schomburg
Charles W. Westerman
John Schmidt

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 11, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-01-03; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 17, 1983;

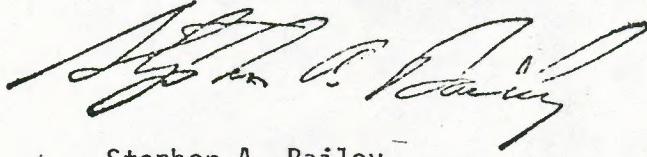
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use of value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 24, 1983.

Certified and signed this
26th day of January 1983.



Stephen A. Bailey
Secretary

*Northwest
Lemon Park
Irvington Park*

BILL NO. Z-83-01-03

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. M-22

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE do not PASS.

JAMES S. STIER, CHAIRMAN

Jamal Stier

JANET G. BRADBURY, VICE CHAIRMAN

Janet G. Bradbury

VICTURE L. SCRUGGS

Victure L. Scruggs

MARK E. GIAQUINTA

Mark E. Giacinta

ROY J. SCHOMBURG

Roy Schomburg

2-8-83

CONCURRED IN

DATE

CHARLES W. WESTERMAN, CITY CLERK

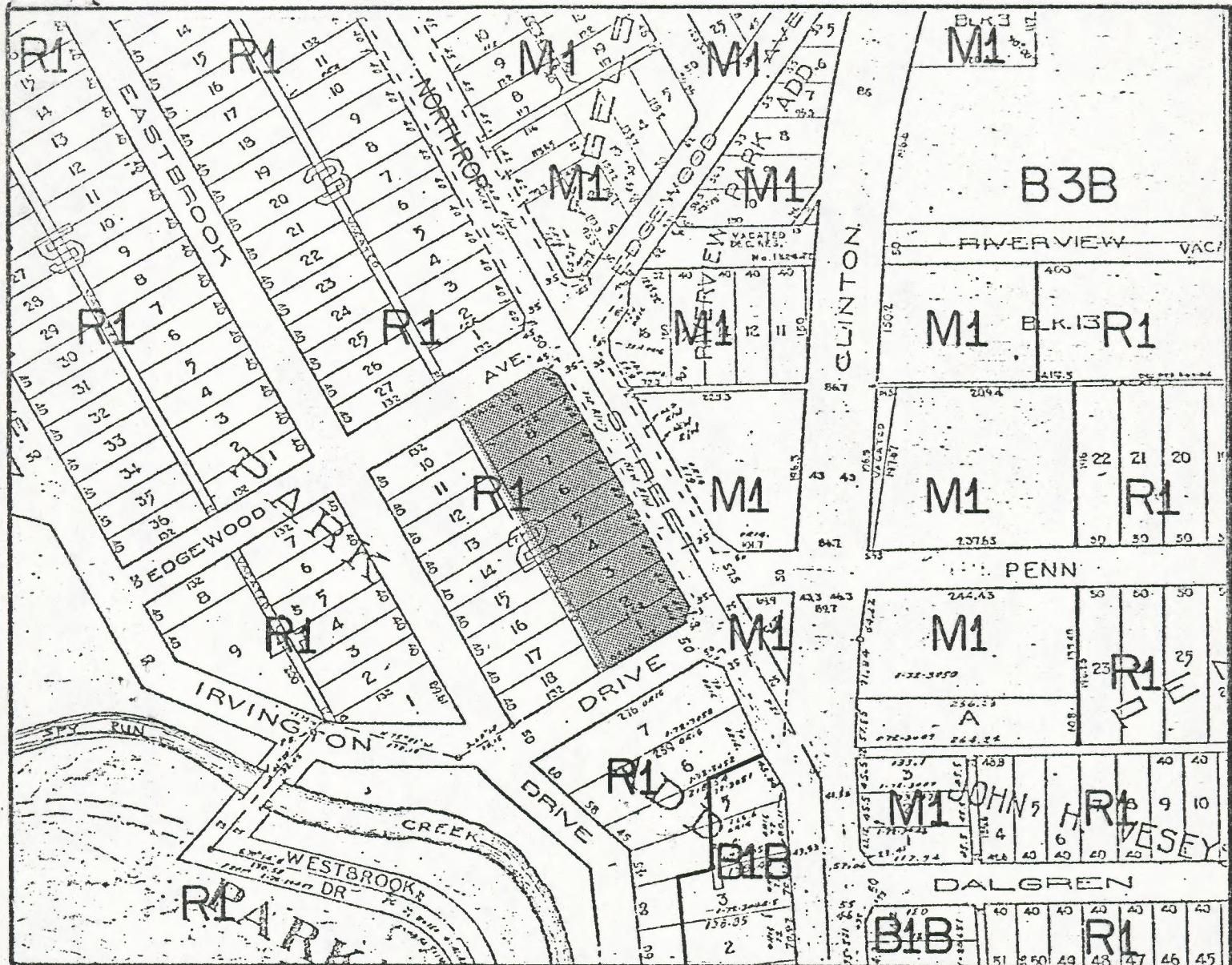
RECEIPT

COMMUNITY DEVELOPMENT & PLANNING
Check 3120

No 8131

Ft. WAYNE, IND., 12-22 1982RECEIVED FROM Lady Bug Exterminators \$ 50.00
THE SUM OF Fifty 00/00 DOLLARS
ON ACCOUNT OF R-1 to R-3 100*Pat B.*

AUTHORIZED SIGNATURE



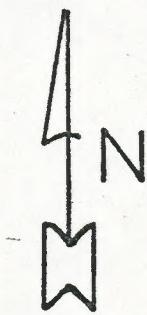
AN APPEAL TO AMEND THE ZONING MAP BY
RECLASSIFYING THE DESCRIBED PROPERTY
FROM AN R1 TO AN R3 DISTRICT.

MAP NO. M-22

DATE: DEC. 22, 1982

Z-83-01-03

By M. A. Gecowets



TITLE OF ORDINANCE Zoning Ordinance Amendment

3-83-01-02

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Lots 1 thru 9, Block II in Irvington Park Addition also known as 3203, 3205, 3215, 3217, 3221 3229 Northrop and 220 Edgewood.

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.

Property will become R-3 - Multiple Family Residence.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE (J.N.)



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

1 March 1983

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Re: Bill No. Z-83-01-03 - From R-1 to R-3

Gentlemen and Mrs. Bradbury:

Please be advised that the City Plan Commission of the City of Fort Wayne, Indiana, at its regular meeting held February 28, 1983, reconsidered Bill No. Z-83-01-03. This bill was rejected by the City Council at their regular meeting held February 8, 1983 and subsequently, as is required by I.C. 18-7-4-510, returned to the City Plan Commission for reconsideration.

The City Plan Commission recommended DO PASS of Bill No. Z-83-01-03 at their meeting of February 28, 1983. The vote on said bill was six (6) yeas; one (1) nay; one (1) member abstained and one (1) member was absent.

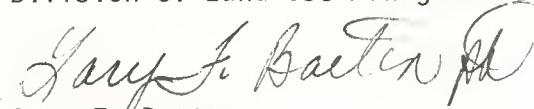
The DO PASS recommendation is a reaffirmation of the reasons given on the original DO PASS recommendation as follows:

- REASONS:
- a. The need for the rezoning arises from conditions peculiar to the property involved and the condition is not due to the general condition of the neighborhood.
 - b. The strict application of the terms of the Zoning Ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought.
 - c. This rezoning will provide for a buffer between the industrial zoning on the east side of Northrop and the single family neighborhood to the west of the property to be rezoned.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING
Division of Land Use Management


Gary F. Baeten

Senior Planner



The City of Fort Wayne

February 10, 1983

City Plan Commission of the
City of Fort Wayne, Indiana
7th Floor
City-County Building
Fort Wayne, IN 46802

Re: Bill No. Z-83-01-03

Ladies and Gentlemen:

Please be advised that the Common Council of the City of Fort Wayne, Indiana at its regular meeting held on February 8, 1983, did reject Bill No. Z-83-01-03. If passed said bill would have rezoned the real estate therein described from R-1 to R-3 district under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974 as amended, and the symbols of the City of Fort Wayne, Zoning Map Number M-22 as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana as amended would have been changed accordingly.

The vote of the Common Council on said Bill No. Z-83-01-03 was eight (8) nays and no (0) yeas and one (1) councilman absent. Accordingly, in accordance with the provisions of IC 18-7-4-510 returned herewith is said bill for your further consideration.

The following is a written statement setting forth a summation of the reasons given by the Common Council for voting for rejection of said proposed bill:

- A. No need appears for the passage of said bill.
- B. Community associations are opposed to its passage.
- C. Said bill would not be in the public interest and would be detrimental to the existing area.
- D. Said bill would constitute an infringement upon the character of the neighborhood.

City Plan Commission of the
City of Fort Wayne, Indiana
Page 2
February 10, 1983

- E. There is no need for rezoning because there are no conditions peculiar to the property involved, and the general condition of the neighborhood would be deteriorated by rezoning.
- F. Strict compliance with the terms of the zoning ordinance would not constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought.
- G. There is no need nor would the rezoning provide a buffer between any industrial zoning or the east side of Northrup and the single family neighborhood west of the property sought to be rezoned.

It is respectfully requested that action be taken by your commission as required under the provisions of IC 18-7-4-510.

Respectfully submitted,

Ben A. Eisbart, Jr.

Common Council of the City of
Fort Wayne, Indiana
By: Ben A. Eisbart
Its President

ATTEST: *Charles W. Westerman*
Charles W. Westerman
Clerk of the Common Council of
the City of Fort Wayne, Indiana.

Received of Charles W. Westerman, Clerk of the Common Council of the City of Fort Wayne, Indiana, the original of which the above is a true and exact copy.

Gary Bauman
Senior Planner of the Department
of Community Development and
Planning in the City of Fort Wayne,
Indiana, authorized person to
receive the above communication on
behalf of the City Plan Commission
of the City of Fort Wayne, Indiana.

Dated this 11 day of February, 1983.



The City of Fort Wayne

March 21, 1983

Mr. Roy J. Schomburg
Councilman
City Clerk's Office
One Main Street
Fort Wayne, IN 46802

In Re: Bill No. Z-83-01-03
Lots Numbered 1 to 9 Irvington Park, Block 2
from R-1 to R-3 Zoning

Dear Councilman Schomburg:

The Common Council has asked for a legal opinion on certain aspects of above Bill No. Z-83-01-03.

Questions asked are as follows:

1. Effect of Section 33-31 of the Code of the City of Fort Wayne, Indiana.

This provision of the Code of the City of Fort Wayne, Indiana deals with provisions in a plat pertaining to restrictions or limitations established by the plat or deed or otherwise running with the land. Pertinent parts of Section 33-31 of Fort Wayne Code provide that wherever there is a more restrictive or higher standard imposed than required by the Zoning Ordinances of the City of Fort Wayne, the provisions of the plat, deed, restriction or limitation will govern if the restriction runs with the land. The important language in Section 33-31 is quoted as follows: "or otherwise running with the land".

There seems to be a great deal of confusion as to whether the restrictions that all lots in Irvington Park Addition shall be known and described as residential lots is in fact a restriction which runs with the land. (Item 129 of the abstract)

Mr. Roy J. Schomburg
Councilman
Page 2
March 21, 1983

Proponents of the zoning change contend that these restrictions are so indefinite in description in lots, signatures and notarial acknowledgment that there is considerable doubt as to whether the restrictions of Irvington Park thereby sought to be imposed are more restrictive and run with the land than does the zoning classification sought by Bill No. Z-83-01-03. Under these circumstances I do not believe that this argument that the plat restrictions govern is conclusive upon to the Common Council.

The issue as to whether said restrictive covenants are presently enforceable is a matter best left to the courts. Therefore, while it may be persuasive of the thinking of the lot owners who signed said instrument it is not decisive of the issue as to whether the proposed zoning should or should not be changed.

2. Spot Zoning. Here again Indiana Courts have held that while zoning may affect only one (1) piece of real estate, it is not necessarily invalid spot zoning.

"I Rathkopf, The Law of Zoning and Planning, ch. 26, p. 26-5, states in essence, that rezoning will not be held invalid as spot zoning, even though the reclassification affects only a single piece of property.

"Where there is such relationship to the comprehensive plan, i. e. when the rezoning is justifiable in terms of the general welfare (hence reasonable) the harm imposed or benefit conferred upon the owner of the property involved is incidental and does not affect the validity of the legislation * * *. Hence, Bill No. 83-01-03 is not "spot zoning".

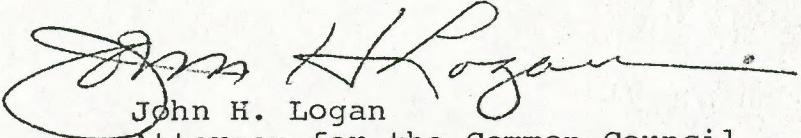
3. Vote of Common Council. As you know, at this juncture the matter having been resubmitted to the Plan Commission by a vote of the Common Council and by its written statement of February 10, 1983, it is now incumbent upon the Common Council, because this matter

Mr. Roy J. Schomburg
Councilman
Page 3
March 21, 1983

is resubmitted to it, if it decides to overrule the Plan Commission that it do so by 75 percent vote. Thus, the Common Council will be required to pass the ordinance by seven (7) votes to override the Plan Commission. This is established by the Statutory Laws of the State of Indiana and by case law. (See IC 18-7-5-43, and Town of Merrille v. Collins 382 NE (2) 188). It is within the province of the writer of this legal opinion only to point out that the Common Council is the sole judge as to whether or not it will override the Plan Commission and refuse to allow the zoning from an R-1 to an R-3 district of Lots 1 to 9 inclusive of Block 2, Irvington Park Addition to the City of Fort Wayne and one-half (1/2) of the vacated alley adjoining said lots.

4. Acknowledgments and Observations. The writer of this opinion wishes to thank Messrs. Robert W. Haller and Robert Y. Keegan Jr. for furnishing the abstract and for their written opinions.

Respectfully submitted,


John H. Logan
Attorney for the Common Council
of the City of Fort Wayne, Indiana

JHL/thm

cc: Robert W. Haller, Attorney
Robert Y. Keegan, Jr.
All Councilmembers



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

26 January 1983

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-83-01-03

Respectfully submitted,

CITY PLAN COMMISSION

Stephen A. Bailey
Secretary

Certified and signed this
26th day of January 1983.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

26 January 1983

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held January 24, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-83-01-03
2. From R-1 to R-3
3. Intended Use: Office for Lady Bug Exterminators
4. Plan Commission Recommendation: DO PASS

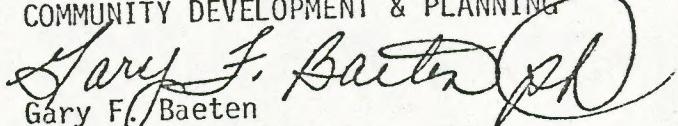
This ordinance received a DO PASS recommendation for the following reasons:

- REASONS:
- a. The need for the rezoning arises from conditions peculiar to the property involved and the condition is not due to the general condition of the neighborhood.
 - b. The strict application of the terms of the Zoning Ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought.
 - c. This rezoning will provide for a buffer between the industrial zoning on the east side of Northrop and the single family neighborhood to the west of the property to be rezoned.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING


Gary F. Baeten
Senior Planner

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 11, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-01-03; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 17, 1983;

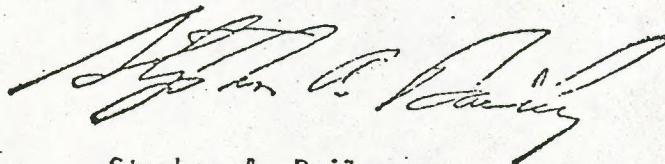
NOW, THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 24, 1983.

Certified and signed this
26th day of January 1983.



Stephen A. Bailey
Secretary